

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JULIE DALESSIO, an individual,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON, a  
Washington Public Corporation; ELIZA  
SAUNDERS, Director of the Office of  
Public Records, in her personal and  
official capacity; ALISON SWENSON,  
Compliance Analyst, in her personal  
capacity; PERRY TAPPER, Public  
Records Compliance Officer, in his  
personal capacity; ANDREW PALMER,  
Compliance Analyst, in his personal  
capacity; JOHN or JANES DOES 1-12, in  
his or her personal capacity,

Defendants.

No. 2:17-cv-00642-MJP

DEFENDANT ALISON SWENSON'S  
RESPONSES TO PLAINTIFF'S FIRST  
SET OF DISCOVERY REQUESTS

**PRELIMINARY OBJECTIONS.**

Defendant Swenson objects to Plaintiff's preambulatory language and "instructions" in that they attempt to impose obligations beyond those found in the civil rules. Defendant will provide responses pursuant to Fe. R.Civ.P. 16, 33, and 34. Furthermore, Ms. Swenson's responses to these requests was already provided to Plaintiff's counsel in discovery responses served on July 6 and August 6, 2018.

DEFENDANT ALISON SWENSON'S  
RESPONSES TO PLAINTIFF'S FIRST SET OF  
DISCOVERY REQUESTS - 1

2:17-cv-00642-MJP

1010-00051/Defendant Alison Swenson Responses to Plaintiff's First Set of

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## INTERROGATORIES

1. Please fully identify all persons, personnel, representatives, businesses and agencies who have examined, copied, or had access to employee records and documents pertaining to Plaintiff. In answering this Interrogatory, please include the person's job title, placement, and responsibilities in the organization. Include identification of persons who had access to Plaintiff's records as a part of their day-to-day job, and identification of the present locations and custodians of these records. The scope applies to locations and custodians both before and after the requests at issue in this lawsuit. Identify the records accessed by each of the persons, personnel, representatives, businesses and agencies.

- In identifying the documents contained in the PR 2016-00760, Defendants should refer to the file names and page numbers that have been filed in the court records, under seal, as Dkt. 38.

- In identifying the documents contained in the PR 2015-00570, Defendants should refer to the page numbers used in a specific docket filed with this Court.

This interrogatory is addressed separately to and should be answered separately by:

- A. University of Washington:
- B. Eliza Saunders:
- C. Perry Tapper:
- D. Alison Swenson:
- E. Andrew Palmer:

**RESPONSE: OBJECTION.** This request is unduly burdensome, overbroad, not proportional to the needs of the case, not reasonably calculated to lead to the discovery of admissible evidence, vague ("employee records and documents") and irrelevant to the claims in Plaintiff's Amended Complaint.

Without waiving the foregoing objection, Plaintiff's "employee records and

documents” begin in 1987 when she was first hired by the University of Washington. She left her employment with the University in 2003, fourteen years before she filed this lawsuit. During that time period, there may be any number of persons who may have “had access to” some records somehow related to Plaintiff, including Human Resources employees and Plaintiff’s supervisors.

Additionally, this request has no limit as to the years Plaintiff is seeking this information for, and in fact explicitly requests the same information for new individuals who may have access to these records at any point during litigation and discovery in this lawsuit. It would be extremely burdensome to provide this information for any person who may have accessed any information for any reason.

Further, PR 16-00760 alone is 1,142 pages, and it is undisputed that the documents released in response to this request were only produced to Plaintiff herself, not to any third parties outside the University. It is not proportional to the needs of the case (especially given Plaintiff’s remaining claims based on allegations of “invasion of privacy”) to determine who may have had access to each page at some point in time over the past thirty years as part of routine business practices, including when the page may not have been part of a particular “file”.

Plaintiff’s Dkt. No. 38 was filed with the court via computer disk, and lists each separate document as a separate .pdf as opposed to one combined document. For purposes of discovery and litigation management, the University has combined .pdfs regarding the various requests and Bates-stamped them with a numbering system UW00001-UW00XXX. Plaintiff has been provided these Bates-stamped documents and corresponding information about the documents. The references herein will be to those numbered documents.

Without waiving said objections, I have knowledge regarding my involvement processing PR-2015-00570 (Betz request), PR-2016-00283 (Dalessio request), and PR-2016-00283 (Dalessio request):

• The documents reflecting transmittal of my requests for and receipt of responsive documents regarding PR-2015-00570 (Betz request) are reflected in the University documents labeled UW 2001-2031. The documents produced to Mr. Betz in response to PR-2015-00570 are labeled UW00004-392 and copies of the documents were filed as Dkt. No. 30-1, 30-2 (then re-filed as Dkt. Nos. 32, 33, 34 under seal).

• Documents responsive to PR-2015-283 and UW779-787, filed as Dkt. No. 30-9, were located internally in the OPR. Documents responsive to PR-2016-218 (Dalessio request for copies released to Betz) are located at UW 393-778 and were located internally in the OPR. They were not filed in court.

2. Please fully identify communications, for any and all current and former employees of the University of Washington and University of Washington Medicine, any form, with any person (excluding your attorneys), regarding the matters alleged in Plaintiff's Complaint, state: (a) The identity of the person(s) with whom such communications were made; (b) What was said to the person(s) identified in subsection (a); and (c) The date and form (written or oral) of each such communications.

This interrogatory is addressed separately to and should be answered separately by:

A. University of Washington

B. Eliza Saunders

C. Perry Tapper

D. Alison Swenson

E. Andrew Palmer

**RESPONSE: OBJECTION.** Defendants object to this interrogatory to the extent it calls for privileged Attorney-Client communications, Work Product, or University Claim Services claim files and databases that are confidential under state law, RCW 4.92.210(2) and (6) and RCW 43.19.781(3) which protects claim management, evaluation, and negotiation, is vague ("matters alleged in Plaintiff's Complaint") and overbroad. Plaintiff's

1 request for “all communications” in any form by any current and former employees  
 2 regarding “the matters alleged in Plaintiff’s Complaint” is far outside the bounds of what is  
 3 proportional to the needs of this case and extremely overbroad and unduly burdensome.

4 In addition to Plaintiff’s broad allegations, including a breach of contract claim that  
 5 refers back to a separation agreement executed when she left her employment in 2003,  
 6 Plaintiff’s Complaint includes discussion of other current or former employees at the  
 7 University of Washington regarding whom she has made public records requests since after  
 8 she filed her lawsuit in 2017, none of whom have any relation to Plaintiff’s claims based on  
 9 release of her records prior to those dates. Without waiving said objections, *see*,  
 10 Defendants’ response to Interrogatory Number 1, and the documents and descriptions  
 11 provided in Defendant’s Supplemental Initial Disclosures, sent to Plaintiff on May 18, 2018.

12 I had communications with University personnel as listed in the University’s  
 13 responses and documents related to PRA-2015-00570 from Mr. Betz (UW2001-2031). I  
 14 consulted with my supervisor, Perry Tapper, regarding some issues related to this request as  
 15 is typical with many requests. I also had communications from Risk Management regarding  
 16 Plaintiff’s tort claim and lawsuit. **See, UW4459 and Privilege Log:** Items 17, 21, 22.

17 3. Please identify all person or persons who made redactions, and which pages  
 18 those persons or persons redacted for request PR 2015-00570.

19 This interrogatory is addressed separately to and should be answered separately by:

- 20 A. University of Washington:
- 21 B. Eliza Saunders:
- 22 C. Perry Tapper:
- 23 D. Alison Swenson:
- 24 E. Andrew Palmer:

25 **RESPONSE: OBJECTION.** This request is overly broad and unduly burdensome.  
 26 The documents speak for themselves.

I made all redactions to PR 2015-00570 that are identified on the PR-2015-00570 response provided to Plaintiff earlier in this litigation. *See*, UW 000009-UW 000378, produced to Plaintiff on or around June 1, 2017. The same documents appear in Dkt. #33, 32, 34 (under seal).

4. Please identify with specificity the location of each of the documents produced in PR 2015-00570 and PR 2016-00760. The specificity of the location should include: the department, the building, whether the location was secure (if so, how was it secure).

This interrogatory is addressed separately to and should be answered separately by:

A. University of Washington:

B. Eliza Saunders:

C. Perry Tapper:

D. Alison Swenson:

E. Andrew Palmer:

**RESPONSE: OBJECTION.** This request is unduly burdensome; overbroad; not proportional to the needs of the case; not reasonably calculated to lead to the discovery of admissible evidence; irrelevant. Without waiving said objections, *see*, Defendant's Supplemental Initial Disclosures, sent to Plaintiff on May 18, 2018 for citations to documents and descriptions of who located and/or found the documents and where they were located when collected for transmittal to the Office of Public Records.

Copies of the documents produced in response to PR-2015-00570 (Betz request) were transmitted to the Office of Public Records and were located there while I processed them for release. The locations of where the documents were located then transmitted to me are reflected in the transmittal documents found at UW2001-2031. I do not have personal knowledge of the security of various buildings other than the Office of Public Records and Open Meetings, which is located behind doors that remain locked at all times. Documents

1 related to PRA requests that I am processing are stored on a computer system that is  
2 password protected and accessible only by OPR staff.

3  
4 5. Please identify any and all persons who had access to each of the locations  
5 identified in Interrogatory number four (4). This should include current and former  
6 employees, current and former contract workers, members of the public, or students of the  
7 University of Washington or University of Washington Medicine.

8 This interrogatory is addressed separately to and should be answered separately by:

- 9 A. University of Washington  
10 B. Eliza Saunders  
11 C. Perry Tapper  
12 D. Alison Swenson  
13 E. Andrew Palmer

14 **RESPONSE: OBJECTION.** This request is unduly burdensome, overbroad, not  
15 proportional to the needs of the case, not reasonably calculated to lead to the discovery of  
16 admissible evidence, and vague ("locations"). However, the physical location requested in  
17 Interrogatory Number 4 was a "department" or "building." Even if this was narrowed to  
18 simply the room the file was kept in, it would still be inordinately disproportionate to the  
19 needs of the case to have Defendants somehow track down each person who may have "had  
20 access to" each of the locations at any point in in the past 15-30 years.

21 Without waiving the foregoing objection, copies of the documents produced in  
22 response to PR-2016-00570 (Betz request) were transmitted electronically to the Office of  
23 Public Records from other University departments and were located electronically there  
24 while I processed them for release to Mr. Betz. I do not have personal knowledge regarding  
25 the locations of where each of the documents were located or maintained prior to being  
26 transmitted to me, other than what is reflected in copies of the transmittal documents and  
27



1 emails found at UW2001-2031. I do not have personal knowledge of the security of various  
 2 buildings or locations where various documents may have been maintained other than the  
 3 Office of Public Records, which is located behind doors that remain locked at all times.  
 4 Documents related to PRA requests that I am processing are stored on a computer system  
 5 that is password protected and accessible only by OPR staff.

6  
 7 6. Please fully identify the person or persons who redacted the document and  
 8 stamped the document with the statutory exemptions, in Dkt. 30-2, page 131. To help  
 9 identify the document in question, it is on a "Children's Hospital & Medical Center"  
 10 letterhead. The document is written by Rhoda L. Ashley, PHD.

11 This interrogatory is addressed separately to and should be answered separately by:

12 A. University of Washington

13 B. Eliza Saunders

14 C. Perry Tapper

15 D. Alison Swenson

16 E. Andrew Palmer

17 **RESPONSE:**

18 I made the redactions on the documents produced in response to PR-2015-00570 (the  
 19 Betz request), copies of which were filed by the University's attorneys in this lawsuit as  
 20 Exhibit A (part 2) (Dkt. 30-2) to my August 21, 2017 declaration, Dkt. 30, and re-filed under  
 21 seal at Dkt. Nos. 32, 33, and 34.

22  
 23 Answers and Responses dated: October 4, 2018

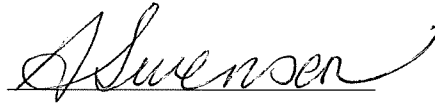
24  
 25 I, Alison Swenson, am a Defendant in the above-named lawsuit. I have reviewed  
 26 DEFENDANT ALISON SWENSON'S RESPONSES TO PLAINTIFF'S FIRST SET OF  
 27 DISCOVERY REQUESTS, and I declare under the penalty of perjury under the laws of the  
 DEFENDANT ALISON SWENSON'S  
 RESPONSES TO PLAINTIFF'S FIRST SET OF  
 DISCOVERY REQUESTS - 8

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1 state of Washington that they are true and correct to the best of my knowledge and belief.

2  
3 

4 Alison Swenson

5  
6 Responses submitted and certified in compliance with FRCP 26(g).

7  
8 KEATING, BUCKLIN & McCORMACK, INC., P.S.

9 By: /s/ Jayne L. Freeman

10 Jayne L. Freeman, WSBA #24318  
11 Special Assistant Attorney General for Defendants

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**DECLARATION OF SERVICE**

I declare under penalty of perjury under the laws of the State of Washington that on October 4, 2018, a true and correct copy of the foregoing DEFENDANT ALISON SWENSON'S RESPONSES TO PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS was served upon the parties listed below via the method indicated:

**Attorneys for Plaintiff**

Mr. Joseph Thomas  
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☒ E-mail ☒ United States Mail

DATED this 4<sup>th</sup> day of October, 2018, at Seattle, Washington.

/s/ LaHoma Walker

LaHoma Walker, Legal Assistant